

**INVENTOR'S DECLARATION  
FOR REISSUE PATENT APPLICATION**

I, Gary L. Kelderman, of 2674 Hwy. 92, Oskaloosa, Iowa IA  
52577, hereby declare:

That I am a United States citizen and inventor on Patent  
No. 5,452,949 ("the '949 patent");

That, on May 2, 1997 I assigned the '949 patent to  
AgTracks, Inc. ("AgTracks"), 204A Main Street, Mt. Vernon,  
Indiana 47620, and that AgTracks is owner of the '949 patent;

That I am the original, first and sole inventor of the  
subject matter described and claimed in the attached reissue  
patent application entitled TRACK SYSTEM FOR VEHICLES;

That I have reviewed and understand the contents of the  
attached reissue patent application, including the claims;

That I verily believe the original '949 patent subject to  
this reissue application to be partly inoperative by virtue of  
the fact that less was claimed therein than rightfully could  
have been claimed;

That, more specifically, certain original claims were  
insufficient in their recitation or over-emphasis of "inter-  
connecting structure" and too little emphasis on the unique-  
ness, in a vehicle track apparatus of the kind with a track, a  
drive wheel, leading and trailing idler assemblies and a mid-  
roller assembly, of (1) a drive wheel which has a diameter  
spanning a majority of the vertical dimension of the track  
loop with an upper circumferential portion engaging the upper  
track length and a lower circumferential portion spaced above  
the lower track length, and most preferably spanning a large  
majority of the vertical dimension of the track, and (2) the  
drive wheel being of sufficient size such that axially-offset  
mid-rollers are on either side of the drive wheel;

That the newly-presented independent and dependent claims  
differ from the claims of the original patent to the extent  
that independent claim 17, while narrower than, e.g., original  
claim 6 in its description of the drive wheel, is broader than  
such claim in describing the relationship of the leading and  
trailing idler assemblies;

That I made a full disclosure of the invention upon my  
original filing thereof, and

That the aforementioned error occurred by failure to  
include in the range of claims certain claims of the scope of  
the claims now added, that such error was discovered in April  
1997 upon review of the '949 patent by or for AgTracks and  
related discussions with AgTracks and its patent counsel in  
connection with the transfer of such assets, and that the  
aforementioned error arose without any deceptive intention.

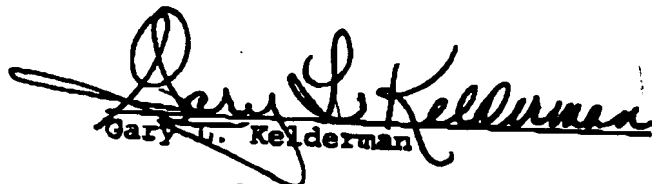
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## Kelderman Declaration

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I acknowledge the duty to disclose information which is material to the examination of this reissue application in accordance with 37 CFR §1.56(a) and §1.175(7).

I further declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, that these statements were made with the knowledge that willful false statements or the like so made are punishable by fine or imprisonment, or both, under 18 USC §1001, and that willful false statements may jeopardize the validity of this application or any patent issued thereon.

  
Gary L. Kelderman

Date 7-24-97

JUL 25 '97 09:33AM B33

**PATENT OWNER'S DECLARATION  
FOR REISSUE PATENT APPLICATION**

I, Kenneth Juncker, President of AgTracks, Inc. ("AgTracks"), 204A Main Street, Mt. Vernon, Indiana 47620, acting for AgTracks, hereby declare:

That AgTracks is owner, by assignment, of Patent No. 5,452,949 ("the '949 patent"), having acquired the '949 patent from Gary L. Kelderman pursuant to an Assignment dated May 2, 1997 (copy attached) which was mailed to the Patent & Trademark Office ("PTO") on May 14, 1997 for recording;

That, on information and belief, the original, first and sole inventor of the subject matter described and claimed in the attached reissue patent application entitled TRACK SYSTEM FOR VEHICLES is:

Gary L. Kelderman (a United States citizen)  
2674 Hwy. 92  
Oskaloosa, Iowa 52577,

and that I have reviewed and understand the contents of the attached reissue patent application, including the claims;

That I verily believe the original '949 patent subject to this reissue application to be partly inoperative by virtue of the fact that less was claimed therein than rightfully could have been claimed;

That, more specifically, certain original claims were insufficient in their recitation or over-emphasis of "inter-connecting structure" and too little emphasis on the uniqueness, in a vehicle track apparatus of the kind with a track, a drive wheel, leading and trailing idler assemblies and a mid-roller assembly, of (1) a drive wheel which has a diameter spanning a majority of the vertical dimension of the track loop with an upper circumferential portion engaging the upper track length and a lower circumferential portion spaced above the lower track length, and most preferably spanning a large majority of the vertical dimension of the track, and (2) the drive wheel being of sufficient size such that axially-offset mid-rollers are on either side of the drive wheel;

That the newly-presented independent and dependent claims differ from the claims of the original patent to the extent that independent claim 17, while narrower than, e.g., original claim 6 in its description of the drive wheel, is broader than such claim in describing the relationship of the leading and trailing idler assemblies;

That Mr. Kelderman made a full disclosure of the invention upon original filing. That, on information and belief, the aforementioned error occurred by failure to include in the range of claims certain claims of the scope of the claims now added, and that such error was discovered in April 1997 upon review of the '949 patent by AgTracks and its patent counsel

and related discussions with Mr. Kelderman in connection with the transfer of such assets; and

That, on information and belief, the aforementioned error arose without any deceptive intention on the part of Mr. Kelderman.

I acknowledge the duty to disclose information which is material to the examination of this reissue application in accordance with 37 CFR §1.56(a) and §1.175(7).

I hereby appoint the following attorneys to prosecute this reissue application and to transact all business in the PTO connected therewith:

Names: Peter N. Jansson (Registration No. ~~26,185~~)  
Larry L. Shupe (Registration No. ~~29,589~~)  
Elisabeth T. Bridge (Registration No. ~~37,523~~)  
John E. Munger (Registration No. ~~37,685~~)

Address: Jansson & Shupe, Ltd.  
245 Main Street, Suite M  
Racine, WI 53403

Telephone: 414/632-6900.

Kindly direct telephone calls to Peter N. Jansson at the above telephone number.

I further declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, that these statements were made with the knowledge that willful false statements or the like so made are punishable by fine or imprisonment, or both, under 18 USC §1001, and that willful false statements may jeopardize the validity of this application or any patent issued thereon.

AgTracks, assignee of the original patent, consents to the above-referenced reissue patent application pursuant to 37 CFR §1.172 and offers to surrender the original patent.

AGTRACKS, INC.

By Kenneth Juncker PRESIDENT  
Kenneth Juncker, President

Date 7-24-97

DECLARATION OF SMALL BUSINESS CONCERN  
CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) AND 1.27(c))

I declare that I am an official of, and empowered to act on behalf of, the following small business concern:

AgTracks, Inc.  
204A Main Street  
~~Verona~~, Indiana 47620  
Mt. VERNON

kg-  
-24-97

I declare that the above-identified business concern qualifies as a small business concern as defined in 37 CFR 1.9(d) for purposes of paying reduced fees under 35 USC 41(a) and (b), in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. I understand that for purposes of this statement: (1) the number of employees is the average, over the previous fiscal year of the concern, of the number so full-time, part-time and temporary employees of such concern during each of the pay periods of the fiscal year; and (2) concerns are considered affiliates of each other either when one concern controls or has the power to control the other (directly or indirectly), or when a third party (or third parties) controls or has the power to control both (directly or indirectly).

I declare that exclusive rights under contract law have been conveyed to and remain with the small business concern identified above with regard to the invention described in the following patent application:

TITLE: TRACK SYSTEM FOR VEHICLES

INVENTOR: Gary L. Kelderman

I acknowledge the duty to file, in this application or the resulting patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate.

I hereby declare: that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; that such statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001; and that willful false statements may jeopardize the validity of the application or any patent issued thereon.

By Kenneth Juncker President Date 7-24-97  
Kenneth Juncker  
President

PATENTS ONLY

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To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Gary L. Kelderman  
2674 Highway 92  
Oskaloosa, Iowa 52577

Additional names(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other \_\_\_\_\_

Execution Date: May 2, 1997

2. Name and address of receiving party(ies):

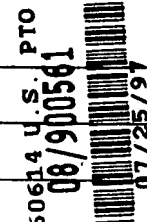
Name: AgTracks, Inc.

Internal Address: \_\_\_\_\_

Street Address: 204A Main Street

City: Mt. Vernon State: IN ZIP: 47620

Additional name(s) & address(es) attached? ☐ Yes ☒ No



4. Application number(s) or registration numbers(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s)

08/740,823

08/764,869

B. Patent No.(s)

5,452,949

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Peter N. Jansson, Esq.

Internal Address: \_\_\_\_\_

Street Address: Jansson & Shupe, Ltd.

245 Main Street, Suite M

City: Racine State: WI ZIP: 53403

6. Total number of applications and patents involved:

3

7. Total fee (37 CFR 3.41):.....\$ 120.00

☒ Enclosed

☐ Authorized to be charged to deposit account

8. Deposit account number:

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Peter N. Jansson

Name of Person Signing

Signature

May 14, 1997

Date

Total number of pages including cover sheet, attachments, and document:

3

## ASSIGNMENT

WHEREAS, Gary L. Kelderman, an individual of the State of Iowa, having an address at 2674 Hwy. 92, Oskaloosa, Iowa 52577, is the inventor and owner of the following U.S. Patent and U.S. Patent Applications:

<u>U.S. Patent No.</u>	<u>Issued</u>	<u>Inventor(s)</u>	<u>Title</u>
5,452,949	September 26, 1995	Gary L. Kelderman	Track Systems for Vehicles

U.S. Patent Application

<u>Serial No.</u>	<u>Filed</u>	<u>Inventor(s)</u>	<u>Title</u>
08/740,823	November 4, 1996	Gary L. Kelderman	Improved Track System for Vehicles
08/764,869	January 31, 1997	Gary L. Kelderman	Track System for Vehicles

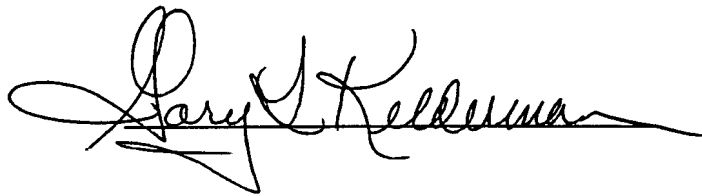
WHEREAS, Gary L. Kelderman is the sole and exclusive owner of the above said patent and patent applications, and any and all Letters Patent of the United States and Letters Patent in any and all foreign countries which may be obtained therefor; and

WHEREAS, AgTracks, Inc., a corporation of the State of Indiana, having its principal place of business at 631 Locust Street, Mt. Vernon, Indiana 47620, is desirous of acquiring the entire right, title and interest in and to the said inventions and any and all Letters Patent of the United States and Letters Patent in any and all foreign countries which are in any way based on such patent or patent applications, including any continuing or reissue patents of any sort whatsoever.

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NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, Gary L. Kelderman does hereby sell, assign, transfer and set over unto the said AgTracks, Inc., its legal representatives, successors and assigns, the entire right, title and interest in and to said inventions and patents, as described above, and in and to all patents of the United States and in any and all foreign countries which may be issued for said inventions, including any continuing or reissue patents of any sort whatsoever, as fully and completely as the same would have been held by Gary L. Kelderman had this Assignment and sale not been made. The said entire right, title and interest shall and hereby does vest in said AgTracks, Inc., subject to contingent reversionary rights specified in an Intellectual Property Acquisition Agreement between the parties dated March 23, 1997. Gary L. Kelderman further agrees upon request, without additional compensation but at no expense to him, to execute or assent to foreign applications, and to execute all other legal documents as may be necessary or desirable to vest the enjoyment of the rights hereby transferred to AgTracks, Inc., its legal representatives, successors and assigns, or as the said company may direct.

GARY L. KELDERMAN

A handwritten signature in cursive script, appearing to read "Gary L. Kelderman", written over a horizontal line.

May 2, 1997